

ANNOUNCEMENT SMAC
INVITATION NO. 1



United States
Department of
Agriculture

Farm
Service
Agency

Kansas City Commodity Office
Post Office Box 419205
Kansas City, Missouri 64141

Date: July 13, 2001

TELEGRAM/TELEX/TWX 467094
EASYLINK 62140250
FAX NO. (816) 926-6381

ANNOUNCEMENT SMAC
INVITATION NO. 1
SALE OF SUGAR FOR RESTRICTED USE - TO PRODUCE ETHANOL

The Commodity Credit Corporation (CCC) invites offers to purchase the following quantities of sugar for restricted use as an accelerator to produce ethanol in accordance with the terms and conditions of Announcement SMAC:

Approximately 100,000 tons (200,000,000 pounds) of refined sugar to be used for ethanol.
THE MAXIMUM QUANTITY PER ENTITY IS 10,000 TONS (20,000,000 POUNDS).
An offer must be submitted on the enclosed Offer Form (Exhibit A) for a minimum of 20 tons (40,000 pounds).

Ethanol is anhydrous ethyl alcohol manufactured in the United States and sold:

- (1) for fuel use and which has been rendered unfit for beverage use in a manner and which is produced at a facility approved by the Bureau of Alcohol, Tobacco, and Firearms (ATF) for the production of ethanol for fuel, or
- (2) As denatured ethanol used by blenders and refiners which has been rendered unfit for beverage use.

Enclosed is Exhibit B containing a catalog of various CCC-owned sugar lots for sale under restricted use for the production of ethanol. The refined beet or cane sugar meets the following specifications:

- Dry and free flowing;
- Free of excessive sediment; and
- Free of any objectionable characteristic which would impair its merchantability

Each lot will be analyzed independently. No offer on a lot can be contingent upon the acceptance of another lot.

Offers and any modification or withdrawal of offers must be received in the Kansas City Commodity Office by 2:00 p.m., CDT, July 30, 2001.

Successful offerors will be notified of acceptance by telephone by 5:00 p.m., CDT, July 31, 2001, subsequently followed by written confirmation.

The envelope containing offers must be plainly marked, "DO NOT OPEN UNTIL PRESCRIBED TIME UNDER ANNOUNCEMENT SMAC, INVITATION NO. 1." Offerors are responsible for the timely receipt of offers and any modifications, or withdrawals of offers.

For purposes of this Invitation only, all references to "miscellaneous agricultural commodities" in Announcement SMAC are hereby changed to read "refined sugar."

3. SUBMISSION OF OFFERS

B. Where and When to Submit Offers

Add: (4) Offers, modifications, or withdrawals of offers must be submitted to:

Kansas City Commodity Office
Attn: Bulk Commodities Division Bid Box - Stop 8748
P.O. Box 419205
Kansas City, MO 64141-6205

Add: (5) Users of the various express delivery services are to address correspondence to:

Kansas City Administrative Office
Attn: Bulk Commodities Division Bid Box - Stop 8748
6501 Beacon Drive
Room G-42A
Kansas City, MO 64133-4676

C. Basis of Offer

(2) The content of an offer will include:

Amend: (a) Company name, address, contact name, phone and facsimile numbers

Amend: (b) The offer quantity must be stated in price per pound

Add: (3) Ethanol producer must:

- (a) Have authority from ATF to produce ethanol
- (b) Certify as to plant's valid ATF permit number and effective date
- (c) Certify that this purchase will not reduce use of current feedstock at completion of sugar utilization
- (d) Certify sugar will be used as an accelerator for production of ethanol within a 12 month period of receipt of sugar in the processing plant

5. PROVISIONS OF CONTRACT

Add: C. CCC may conduct on-site compliance reviews. Compliance reviews will consist of examining documents that provide the examiner the capability to trace the source of the sugar, purchased under this invitation was used in the production of ethanol. Producers should maintain the supporting documents for a period of two years from the date of the contract and allow the CCC representative access to the processing plant and the plant records.

Title and risk of loss will transfer from CCC to the contractor at the time CCC transmits delivery notification (wire release) to the storing warehouse operator.

CCC will pay storage through the date of wire release, but not later than 10 business days after the date of the contract. Storage after that date will be for the account of the contractor.

Interested parties are advised to check with the storing warehouse operator regarding scheduling, quality, and location of sugar. Interested parties are strongly urged to establish prior to making an offer, the premium and discount schedules in case of quality or location discrepancies.

6. FINANCIAL ARRANGEMENTS

A. Payment to be submitted to:

Add: (3) By regular mail:

Kansas City Commodity Office
CRD/FRB - Stop 8758
P.O. Box 419205
Kansas City, MO 64141-6205

Add: (4) Users of various express delivery services:

Kansas City Commodity Office
CRD/FRB - Stop 8758
6501 Beacon Drive
Kansas City, MO 64133-4676
(Hours: 7:00 A.M. - 5:00 P.M.)

All other terms and conditions of Announcement SMAC remain unchanged.

TELEX/TWX - 467094 - Answer Back is USDA CI
Easylink 62140250
Fax No. (816) 926-6381 or (816) 926-6767
Communications Center - Telephone: (816) 823-1012

CCC reserves the right to refuse to consider an offer if the Kansas City Commodity Office does not have adequate information to determine the responsibility of offeror, financially or otherwise. First time CCC offerors, for agricultural commodity contracts, should notify CCC five (5) days prior to submission of an offer.

All offers must be signed and submitted and in order to properly consider the offer, the following

information must be in the offer:

- Announcement and Invitation number
- Offeror's complete name, address, phone number, facsimile, and contact name
- Quantity expressed in pounds
- INSTORE, location
- Price per pound for sugar (maximum 4 decimal places)
- Valid Alcohol Fuel Producer permit number issued by ATF and effective date
- Completed SF-129

Retain one copy of the submitted offer form for your use. The envelope must be plainly marked:

"Do Not Open Until the Prescribed Time Per Announcement SMAC, Invitation No. 1."

If overnight/express service is utilized, the above statement must be printed clearly on the outer express envelope, not the mailing label.

Additional blank copies of the original offer form may be obtained from the Kansas City Commodity Office or duplication of attached offer form is permitted.

The time recorded by the Easylink system or facsimile as offeror's transmission time will be used to determine the time of receipt by CCC. **OFFERORS ARE RESPONSIBLE FOR THE TIMELY RECEIPT OF OFFERS AND AMENDED MARKET PRICE CHANGES.** No offers, modifications, or withdrawals will be accepted by telephone.

Further information on the announcement or this invitation for offers may be obtained by contacting:

Kansas City Commodity Office
Bulk Commodities Division
6501 Beacon Drive
Kansas City, Missouri 64133
Telephone (816) 926-6420

George W. Aldaya
Director
Kansas City Commodity Office

Enclosure

EXHIBIT A

IN ACCORDANCE WITH ANNOUNCEMENT SMAC, INVITATION NO. 1, DATED JULY 13, 2001, THE UNDERSIGNED OFFERS TO PURCHASE THE FOLLOWING LOTS OF CCC-OWNED SUGAR:

FIRM NAME _____

ADDRESS _____

CONTACT NAME _____

PHONE NO. _____ FAX NO. _____

ALCOHOL FUEL PRODUCER:
PERMIT NUMBER _____ EFFECTIVE DATE _____

*(TYPED NAME AND SIGNATURE OF THE OFFICER OR EMPLOYEE RESPONSIBLE FOR THIS OFFER)

*BY SIGNING AND SUBMITTING THIS OFFER, OFFEROR CERTIFIES THAT THE APPLICABLE ALCOHOL FUEL PRODUCER PERMIT NUMBER SUBMITTED IN THIS OFFER TO THE KANSAS CITY COMMODITY OFFICE IS VALID FOR PRODUCING ETHANOL FROM SUGAR BASED CROPS, WILL NOT DECREASE INPUT OF FEEDSTOCKS OR USE SUGAR IN PLACE OF NORMAL FEEDSTOCKS, AND THAT THE SUGAR AS AN ACCELERATOR WILL BE USED WITHIN 12 MONTHS TO PRODUCE ETHANOL FROM THE DATE OF CONTRACT.

<u>LOT NO.</u>	<u>LOCATION</u>	<u>QUANTITY</u>	<u>PRICE PER POUND</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

TOTAL POUNDS _____

PRIVACY ACT AND PUBLIC BURDEN STATEMENTS

The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is 7 USC 7285 and 15 USC 714 B and C. The information will be used to assess Bulk Grain Sales Offers. Furnishing the requested information is required to be a responsive offer. Failure to furnish the requested information will result in a nonresponsive offer. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.

Federal agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Agriculture, Clearance Officer, OIRM (OMB No. 0560-0177), Stop 7630, Washington, D.C. 20250-7630.

NONDISCRIMINATION STATEMENT

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

ANNOUNCEMENT SMAC
INVITATION NO. 1 DATED JULY 13, 2001
EXHIBIT B

REGION 1

<u>LOT NUMBER</u>	<u>TYPE</u>	<u>QUANTITY (POUNDS)</u>	<u>---STORAGE LOCATION---</u> <u>CODE</u>	<u>NAME & ADDRESS</u>	<u>---PCSA CONTRACTOR---</u> <u>NAME, CONTACT & PHONE</u>
101	BEET	2,000,000	71004	MONITOR SUGAR CO BAY CITY, MI	MONITOR SUGAR CO JERRY COLEMAN 517-686-0161

REGION 2

<u>LOT NUMBER</u>	<u>TYPE</u>	<u>QUANTITY (POUNDS)</u>	<u>---STORAGE LOCATION---</u> <u>CODE</u>	<u>NAME & ADDRESS</u>	<u>---PCSA CONTRACTOR---</u> <u>NAME, CONTACT & PHONE</u>
102	BEET	20,000,000	71016	MASON CITY DIST CENTER MASON CITY, IA	UNITED SUGARS CORP MIKE FISHER 952-896-0410
103	BEET	9,000,000	71017	UNITED SUGARS CORP CHASKA, MN	UNITED SUGARS CORP MIKE FISHER 952-896-0410
104	BEET	12,000,000	71018	AMER. CRYSTAL SUGAR MOORHEAD, MN	UNITED SUGARS CORP MIKE FISHER 952-896-0410
105	BEET	16,000,000	71019	AMER. CRYSTAL SUGAR CO CROOKSTON, MN	UNITED SUGARS CORP MIKE FISHER 952-896-0410
106	BEET	20,000,000	71020	AMER. CRYSTAL SUGAR CO EAST GRAND FORKS, MN	UNITED SUGARS CORP MIKE FISHER 952-896-0410
107	BEET	1,000,000	71021	SO MN BEET SUGAR COOP RENVILLE, MN	UNITED SUGARS CORP MIKE FISHER 952-896-0410
108	BEET	20,000,000	71023	AMER. CRYSTAL SUGAR CO HILLSBORO, ND	UNITED SUGARS CORP MIKE FISHER 952-896-0410
109	BEET	18,000,000	71024	AMER. CRYSTAL SUGAR CO DRAYTON, ND	UNITED SUGARS CORP MIKE FISHER 952-896-0410
110	BEET	16,000,000	71025	REILLE'S TRANSFER & DEL FARGO, ND	UNITED SUGARS CORP MIKE FISHER 952-896-0410
111	BEET	12,000,000	71026	MINN-DAK FARMERS COOP WAHPETON, ND	UNITED SUGARS CORP MIKE FISHER 952-896-0410

112	BEET	20,000,000	71055	MURPHY WHSE CO FRIDLEY, MN	UNITED SUGARS CORP MIKE FISHER 952-896-0410
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REGION 3

<u>LOT NUMBER</u>	<u>TYPE</u>	<u>QUANTITY (POUNDS)</u>	<u>----STORAGE LOCATION----</u>	<u>NAME & ADDRESS</u>	<u>---PCSA CONTRACTOR--- NAME, CONTACT & PHONE</u>
113	BEET	40,000,000	71014	AGROMAC CO GERING, NE	THE WESTERN SUGAR CO GARY ENGLAND 303-813-3528
114	BEET	11,000,000	71036	HOLLY SUGAR CORP TORRINGTON, WY	IMPERIAL SUGAR CO PETER CARROTHERS 281-491-9181
115	BEET	12,000,000	71060	SCOTTSBLUFF FACTORY SCOTTSBLUFF, NE	THE WESTERN SUGAR CO GARY ENGLAND 303-813-3528
116	BEET	1,000,000	71061	BAYARD FACTORY BAYARD, NE	THE WESTERN SUGAR CO GARY ENGLAND 303-813-3528
117	BEET	500,000	71062	GREELEY FACTORY GREELEY, CO	THE WESTERN SUGAR CO GARY ENGLAND 303-813-3528
118	BEET	7,000,000	7 1063	FT MORGAN FACTORY FORT MORGAN, CO	THE WESTERN SUGAR CO GARY ENGLAND 303-813-3528
119	BEET	3,000,000	71064	LONGMONT TERMINAL LONGMONT, CO	THE WESTERN SUGAR CO GARY ENGLAND 303-813-3528
120	BEET	30,000,000	71065	ROCKY FORD TERMINAL ROCKY FORD, CO	THE WESTERN SUGAR CO GARY ENGLAND 303-813-3528
121	BEET	1,000,000	71066	STERLING TERMINAL STERLING, CO	THE WESTERN SUGAR CO GARY ENGLAND 303-813-3528

REGION 4

<u>LOT NUMBER</u>	<u>TYPE</u>	<u>QUANTITY (POUNDS)</u>	<u>----STORAGE LOCATION----</u>	<u>NAME & ADDRESS</u>	<u>---PCSA CONTRACTOR--- NAME, CONTACT & PHONE</u>
122	CANE	1,000,000	71007	IMPERIAL SUGAR REFINERY SUGARLAND, TX	IMPERIAL SUGAR PETER CARROTHERS 281-491-9181

123	BEET	20,000,000	71034	HOLLY SUGAR HEREFORD, TX	IMPERIAL SUGAR PETER CARROTHERS 281-491-9181
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REGION 5

<u>LOT NUMBER</u>	<u>TYPE</u>	<u>QUANTITY (POUNDS)</u>	<u>---STORAGE LOCATION--- CODE</u>	<u>NAME & ADDRESS</u>	<u>---PCSA CONTRACTOR--- NAME, CONTACT & PHONE</u>
124	BEET	50,000,000	71005	HOLLY SUGAR CO SIDNEY, MT	IMPERIAL SUGAR CO PETER CARROTHERS 281-491-9181
125	BEET	1,700,000	71009	KING TRANSFER & STORAGE BILLINGS, MT	THE WESTERN SUGAR CO GARY ENGLAND 303-813-3528
126	BEET	16,000,000	71010	KING TRANSFER & STORAGE BILLINGS, MT	THE WESTERN SUGAR CO GARY ENGLAND 303-813-3528
127	BEET	9,000,000	71011	THE WESTERN SUGAR CO BILLINGS, MT	THE WESTERN SUGAR CO GARY ENGLAND 303-813-3528
128	BEET	500,000	71067	LOVELL FACTORY LOVELL, WY	THE WESTERN SUGAR CO GARY ENGLAND 303-813-3528

REGION 6

<u>LOT NUMBER</u>	<u>TYPE</u>	<u>QUANTITY (POUNDS)</u>	<u>---STORAGE LOCATION--- CODE</u>	<u>NAME & ADDRESS</u>	<u>---PCSA CONTRACTOR--- NAME, CONTACT & PHONE</u>
129	BEET	3,000,000	71044	TWIN FALLS FACTORY TWIN FALLS, ID	THE AMALGAMATED SUGAR CO DAN MCENTEE 801-399-3431
130	BEET	25,000,000	71045	MINI-CASSIA FACILITY BURLEY, ID	THE AMALGAMATED SUGAR CO DAN MCENTEE 801-399-3431

REGION 7

<u>LOT NUMBER</u>	<u>TYPE</u>	<u>QUANTITY (POUNDS)</u>	<u>---STORAGE LOCATION--- CODE</u>	<u>NAME & ADDRESS</u>	<u>---PCSA CONTRACTOR--- NAME, CONTACT & PHONE</u>
131	BEET	12,000,000	71043	NAMPA FACTORY OGDEN, UT	THE AMALGAMATED SUGAR CO DAN MCENTEE 801-399-3431
132	BEET	1,000,000	71048	NYSSA FACTORY NYSSA, OR	THE AMALGAMATED SUGAR CO DAN MCENTEE 801-399-3431

133	BEET	32,000,000	71058	PACIFIC NW SUGAR MOSES LAKE, WA	PACIFIC NW SUGAR MARVIN PRICE 509-764-2000
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REGION 8

<u>LOT NUMBER</u>	<u>TYPE</u>	<u>QUANTITY (POUNDS)</u>	<u>----STORAGE LOCATION----</u>	<u>NAME & ADDRESS</u>	<u>---PCSA CONTRACTOR--- NAME, CONTACT & PHONE</u>
134	BEET	8,000,000	71000	SPRECKLES SUGAR CO TRACY, CA	IMPERIAL SUGAR CO PETER CARROTHERS 281-491-9181
135	BEET	12,000,000	71001	SPRECKLES SUGAR CO WOODLAND, CA	IMPERIAL SUGAR CO PETER CARROTHERS 281-491-9181
136	BEET	1,000,000	71002	SPRECKLES SUGAR CO MENDOTA, CA	IMPERIAL SUGAR CO PETER CARROTHERS 281-491-9181
137	BEET	28,000,000	71003	SPRECKLES SUGAR CO BRAWLEY, CA	IMPERIAL SUGAR CO PETER CARROTHERS 281-491-9181
138	BEET	16,000,000	71046	HAMILTON CITY WHSE HAMILTON CITY, CA	IMPERIAL SUGAR PETER CARROTHERS 281-491-9181

SOLICITATION MAILING LIST APPLICATION				1. TYPE OF APPLICATION <input type="checkbox"/> INITIAL <input type="checkbox"/> REVISION		2. DATE		3. FORM APPROVED OMB NO. 9000-0002	
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NOTE: Please complete all items on this form. Insert N/A in items not applicable. See reverse for instructions.

Public reporting burden for this collection of information is estimated to average .58 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information, including suggestions for reducing this burden, to the FAR Secretariat (VRS), Office of Federal Acquisition Policy, GSA, Washington, DC 20405; and to the Office of Management and Budget, Paperwork Reduction Project (9000-0002), Washington, DC 20503.

3. NAME AND ADDRESS OF FEDERAL AGENCY TO WHICH FORM IS SUBMITTED (include ZIP code) USDA-FSA Kansas City Commodity Office P.O. Box 419205 Kansas City, MO 64141-6205				4. NAME AND ADDRESS OF APPLICANT (Include county and ZIP code)			
5. TYPE OF ORGANIZATION (Check one) <input type="checkbox"/> Individual <input type="checkbox"/> Non-Profit Organization <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation, incorporated under the laws of the State of:				6. ADDRESS TO WHICH SOLICITATIONS ARE TO BE MAILED (If			

7. NAMES OF OFFICERS, OWNERS, OR PARTNERS					
A. PRESIDENT		B. VICE PRESIDENT		C. SECRETARY	
D. TREASURER		E. OWNERS OR PARTNERS			

8. AFFILIATES OF APPLICANT (Names, locations and nature of affiliation. See definition on reverse.)

9. PERSONS AUTHORIZED TO SIGN OFFERS AND CONTRACTS IN YOUR NAME (Indicate if agent)		
NAME	OFFICIAL CAPACITY	TELE. NO. (Include area code)

10. IDENTIFY EQUIPMENT, SUPPLIES, AND/OR SERVICES ON WHICH YOU DESIRE TO MAKE AN OFFER (See attached Federal Agency's supplemental listing and instructions, if any)

11A. SIZE OF BUSINESS (See definitions on reverse) <input type="checkbox"/> Small Business (If checked, complete Items 11B and 11C) <input type="checkbox"/> Other Than Small Business		11B. AVERAGE NUMBER OF EMPLOYEES (Including affiliates) FOR FOUR PRECEDING CALENDAR QUARTERS	11C. AVERAGE ANNUAL SALES OR RECEIPTS FOR PRECEDING THREE FISCAL YEARS \$
12. TYPE OF OWNERSHIP (See definitions on reverse) (Not applicable for other than small businesses) <input type="checkbox"/> Disadvantaged Business <input type="checkbox"/> Woman-Owned Business		13. TYPE OF BUSINESS (See definitions on reverse) <input type="checkbox"/> Manufacturer or Producer <input type="checkbox"/> Regular Dealer (Type 1) <input type="checkbox"/> Construction Concern <input type="checkbox"/> Surplus Dealer <input type="checkbox"/> Service Establishment <input type="checkbox"/> Regular Dealer (Type 2) <input type="checkbox"/> Research and Development	

14. DUNS NO. (If available)		15. HOW LONG IN PRESENT BUSINESS?	
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16. FLOOR SPACE (Square feet)		17. NET WORTH	
A. MANUFACTURING	B. WAREHOUSE	A. DATE	B. AMOUNT \$

18. SECURITY CLEARANCE (If applicable, check highest clearance authorized)			
For	Top Secret	Secret	Confidential
A. KEY PERSONNEL			
B. PLANT ONLY			

C. NAMES OF AGENCIES WHICH GRANTED SECURITY CLEARANCES		
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CERTIFICATION - I certify that information supplied herein (including all pages attached) is correct and that neither the applicant nor any person (or concern) in any connection with the applicant as a principal or officer, so far as is known, is now debarred or otherwise declared ineligible by any agency of the Federal Government from making offers for furnishing materials, supplies, or services to the Government or any agency thereof.

19. NAME AND TITLE OF PERSON AUTHORIZED TO SIGN (Type or print)		20. SIGNATURE	21. DATE SIGNED
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NSN 7540-01-152-8086
 Previous edition usable

EXPIRATION DATE: 9-30-91

129-107

STANDARD FORM 129
 Prescribed by GSA - FAR (48 CFR) 53.214(e)

(REV. 6-90)

INSTRUCTIONS

Persons or concerns wishing to be added to a particular agency's bidder's mailing list for supplies or services shall file this properly completed and certified Solicitation Mailing List Application, together with such other lists as may be attached to this application form, with each procurement office of the Federal agency with which they desire to do business. If a Federal agency has attached a Supplemental Commodity list with instructions, complete the application as instructed. Otherwise, identify in Item 10 the equipment, supplies, and/or services on which you desire to bid. (Provide Federal Supply Class or Standard Industrial Classification codes, if available.) The application shall be submitted and signed by the principal as distinguished from an agent, however constituted.

After placement on the bidder's mailing list of an agency, your failure to respond (submission of bid, or notice in writing, that you are unable to bid on that particular transaction but wish to remain on the active bidder's mailing list for that particular item) to solicitations will be understood by the agency to indicate lack of interest and concurrence in the removal of your name from the purchasing activity's solicitation mailing for items concerned.

SIZE OF BUSINESS DEFINITIONS (See Item 11A.)

a. Small business concern - A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is competing for Government contracts, and can further qualify under the criteria concerning number of employees, average annual receipts, or the other criteria, as prescribed by the Small Business Administration. (See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed industry definitions and related procedures.)

b. Affiliates - Business concerns are affiliates of each other when either directly or indirectly (i) one concern controls or has the power to control the other, or (ii) a third party controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationship. (See Items 8 and 11A.)

c. Number of employees - (Item 11B) In connection with the determination of small business status, "number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary or other basis during each of the pay periods of the preceding 12 months. If a concern has not been in existence for 12 months, "number of employees" means the average employment of such concern and its affiliates during the period that such concern has been in existence based on the number of persons employed during each of the pay periods of the period that such concern has been in business.

TYPE OF OWNERSHIP DEFINITIONS (See Item 12.)

a. "Disadvantaged business concern" - means any business concern (1) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (2) whose management and daily business operations are controlled by one or more of such individuals.

• COMMERCE BUSINESS DAILY - The Commerce Business Daily, published by the Department of Commerce, contains information concerning proposed procurements, sales, and contract awards. For further information concerning this publication, contact your local Commerce Field Office.

b. "Women-owned business" - means a business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.

TYPE OF BUSINESS DEFINITIONS (See Item 13.)

a. Manufacturer or producer - means a person (or concern) owning, operating, or maintaining a store, warehouse, or other establishment that produces, on the premises, the materials, supplies, articles or equipment of the general character of those listed in Item 10, or in the Federal Agency's Supplemental Commodity List, if attached.

b. Service establishment - means a concern (or person) which owns, operates, or maintains any type of business which is principally engaged in the furnishing of nonpersonal services, such as (but not limited to) repairing, cleaning, redecorating, or rental of personal property, including the furnishing of necessary repair parts or other supplies as a part of the services performed.

c. Regular dealer (Type 1) - means a person (or concern) who owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles, or equipment of the general character listed in Item 10, or in the Federal Agency's Supplemental Commodity List, if attached, are bought, kept in stock, and sold to the public in the usual course of business.

d. Regular dealer (Type 2) - In the case of supplies of particular kinds (at present, petroleum, lumber and timber products, machine tools, raw cotton, green coffee, hay, grain, feed, or straw, agricultural liming materials, tea, raw or unmanufactured cotton linters and used ADPE), Regular dealer means a person (or concern) satisfying the requirements of the regulations (Code of Federal Regulations, Title 41, 50-201.101(a) (2)) as amended from time to time, prescribed by the Secretary of Labor under the Walsh-Healey Public Contracts Act (Title 41, U.S. Code 35-45). For coal dealers see Code of Federal Regulations, Title 41, 50-201.604(a).